

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 11/4/2014	(3) CONTACT/PHONE Megan Martin, Planner II / (805)781-4163	
(4) SUBJECT Hearing to consider an appeal by Avila Valley Advisory Council of the Subdivision Review Board's approval of Tentative Parcel Map CO14-0021 and Development Plan/Coastal Development Permit SUB2013-00054 to allow subdivision of a 6,000 square foot parcel into two 3,000 square foot Planned Development parcels and construction of two single family units for vacation rentals located on Colony Lane within the community of Avila Beach. District 3.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Hold the public hearing on the appeal of the approval by the Subdivision Review Board as set forth in the attached Exhibits and staff report. 2. Adopt and instruct the chairman to sign the resolution to: <ol style="list-style-type: none"> a. Partially affirm the Subdivision Review Board's decision and approve the Mitigated Negative Declaration in accordance with the applicable provisions of CEQA, Tentative Parcel Map (CO14-0021), Development Plan/ Coastal Development Permit based on the findings in Exhibits A and C and Conditions in Exhibit B and D; and, b. Partially uphold the appeal and adopt revised Exhibit B – Conditions of Approval to include additional item (d) to condition number 13. 			
(6) FUNDING SOURCE(S) Department Budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>60</u>) <input type="checkbox"/> Board Business (Time Est. <u> </u>)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: <u> </u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) District 3			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Megan Martin, Planner II

VIA: Ellen Carroll, Planning Manager/Environmental Coordinator

DATE: 11/4/2014

SUBJECT: Hearing to consider an appeal by Avila Valley Advisory Council of the Subdivision Review Board's approval of Tentative Parcel Map CO14-0021 and Development Plan/Coastal Development Permit SUB2013-00054 to allow subdivision of a 6,000 square foot parcel into two 3,000 square foot Planned Development parcels and construction of two single family units for vacation rentals located on Colony Lane within the community of Avila Beach. District 3.

RECOMMENDATION

It is recommended that the Board:

1. Hold the public hearing on the appeal of the approval by the Subdivision Review Board as set forth in the attached Exhibits and staff report.
2. Adopt and instruct the chairman to sign the resolution to:
 - a. Partially affirm the Subdivision Review Board's decision and approve the Mitigated Negative Declaration in accordance with the applicable provisions of CEQA, Tentative Parcel Map (CO14-0021), Development Plan/ Coastal Development Permit based on the findings in Exhibits A and C and Conditions in Exhibit B and D; and,
 - b. Partially uphold the appeal and adopt revised Exhibit B – Conditions of Approval to include additional item (d) to condition number 13.

DISCUSSION

Background

On October 6, 2014 the Subdivision Review Board heard a proposal by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map and Development Plan/ Coastal Development permit for a subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels as a planned development; construction of two single family residential units of 1,983 square feet and 1,917 square feet on the proposed residential parcels; and, use of the residences as two separate vacation rentals.

The Subdivision Review Board approved the project with no changes to the revised conditions of approval or findings. A timely appeal of the Subdivision Review Board's decision was filed by Jim Hartig, chairperson of Avila Valley Advisory Council on October 13, 2014. California Government Code Section 66452.5(a) and Section 21.04.020(e) of Title 21 require a hearing be held within 30 days following the date of a request filed by the subdivider or the appellant. Within 10 days following conclusion of the hearing, the appeal board or legislative body shall render its decision on the appeal.

The proposed project is a request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map (CO14-0021) to allow the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels as a planned development. The project also includes a Development Plan/ Coastal Development Permit (SUB2013-00054) for the construction of two single family residential units of 1,983 square feet and 1,917 square feet and the use of those residences as two separate vacation rentals. The residences will be 25 feet in height above natural grade and will each have below-level attached garages. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements. The project is located on the south side of Avila Beach Dive on Colony Lane, within the community of Avila Beach, in the San Luis Bay Coastal planning area.

Appeal Issues

The appellant raised concerns that the proposed project does not adhere to Title 23 development standards and that granting an exception to the vacation rental ordinance standard establishes a precedent for developing the remaining Colony Lots. The appellant considers the development incompatible with the surrounding uses and that denial of the appeal would leave a profound and lasting effect on the quality of life for residents and visitors in the community of Avila Beach. The following outline each issue raised by the appellant:

Issue 1. The appellant has stated that there is no description of common area elements appearing in the staff report, nor in any applicant generated materials provided to the Avila Valley Advisory Council. The appellant has expressed that common area elements should have been described and/or mapped for public review and decision authority consideration.

Staff Response: The common area elements were described within the conditions of approval of the staff report (Exhibit D Condition of Approval Number 14). The common use area is shown on sheet A1.1 of the plans. Staff discussed the applicant's calculations and found them to be consistent with County ordinance.

Issue 2. The appellant stated that the proposed side setbacks are inconsistent with Title 23 in that a portion of the building of each unit would be three (3) feet from the property line; there is no provision to allow such setback infringement.

Staff Response: The appellant interprets the development to be "common wall development" and as such development would be required to have an increased setback of a minimum of six feet on the sides. In this case however, the proposed project is a planned development, where units may share a common wall; however, setbacks can be proposed through the planned development and the subdivision, but must comply with Building Code requirements. The proposed project complies with this requirement.

Issue 3. The appellant expressed that the land division should not have been approved before the development plan.

Staff Response: The Tentative Parcel Map and Development Plan/ Coastal Development Permit were filed and approved concurrently. Exhibit A and B for the Development Plan/Coastal Development Permit were read into record first to be adopted. Exhibits C and D; were read into record second and relate to the Tentative Parcel Map. The Development Plan/ Coastal Development Permit was approved prior to the subdivision.

Issue 4. The appellant stated that the staff report referenced Section 23.04.028 – Condominiums when discussing the proposed project as it relates to setbacks for special development types. The appellant stated that the section staff refers to does not apply to setbacks only to parcel sizes and does not address their concern as it relates to side setbacks.

Staff Response: By including this section in the staff report, staff was attempting to illustrate that as a planned development, the proposed project falls under a different ordinance section; that section being Section 23.04.028(d) – Condominiums. A condominium may have a common wall by definition but is not common wall development, therefore, defining this project as a condominium, planned development or similar residential development, setbacks are not set by Section 23.04.110(f).

Issue 5. The appellant has expressed that the maximum floor area for the proposed project exceeds the maximum allowable floor area (65%) and that the open area minimum of 40% may be exceeded. In addition, the appellant stated that the garage approaches and portion of the lots incorporating Colony Drive should not have been included in the open area calculation.

Staff Response: The applicant has submitted calculations in a table detailing the maximum floor area in the project plans. These numbers as shown in the plans comply with the requirements of the floor area and open area of the Coastal Zone Land Use Ordinance.

Issue 6. The appellant has expressed that a guest parking space should have been required for a planned development and was not included or proposed as a part of the project.

Staff Response: Upon further review of the proposed project and the ordinance requirements, staff finds the appellants argument valid and has submitted revised conditions of approval to reflect a guest parking space for the planned development. Exhibit B reflects these changes.

Issue 7. The appellant has expressed concerns that the proposed project's garage access should not be perpendicular to the private access drive serving the colony lots. Exiting from the garage would likely involve multiple turning motions; this could discourage garage parking and thereby exacerbate the severe parking shortage in Avila Beach.

Staff Response: The applicant has submitted to the County two alternatives in relation to the drive approach of the garage. The first alternative is illustrated on sheet C-2 of the site plan. The applicant, after hearing concerns from the community decided to angle the drive approach as requested by the community. The applicant was able to show using that two vehicles could properly access the driveway both for ingress and egress. The second alternative is illustrated on sheet A1.1 of the site plan. This alternative was the original proposal showing the alignment of the driveway perpendicular with the private access drive. The applicant was again able to show that two vehicles could properly access the driveway both for ingress and egress. In addition, the applicant has provided additional driveway space for additional guest parking.

Issue 8. The appellant has expressed concern to the approval of an exception which allows both units to be used as vacation rentals and that this approval should not occur without additional onsite parking to address Avila's severe parking shortage.

Staff Response: The proposed project does not comply with the location standard required for Avila Beach to allow for separation between vacation rentals. In all Residential and Recreation land use categories within Avila Beach, no parcel shall be approved for a residential vacation rental if it is within 50 feet of another parcel with a residential vacation rental and/or other visitor serving accommodation. This location standard may be modified through a Minor Use Permit approval when a Development Plan is not otherwise required. The applicant is requesting a modification of the location standard as set forth in section 23.08.165 – Residential Vacation Rentals to less than 50 feet for both residences. The location modification can be supported because the project is consistent with all other provisions of the section; the site is located approximately 0.2 miles from recreation and visitor-serving uses; will provide adequate on-site parking for each residence; and would not create any significant impacts as conditioned.

Issue 9. The appellants expressed that the side setbacks should be landscaped.

Staff Response: The applicant has submitted a landscaping plan for the planned development. Due to the narrow side setbacks, it is common for side areas to be covered with pavers or paving in urban areas to ensure soil stability and direct drainage to larger landscaped areas or cisterns on the property. The project complies with the landscaping standards of the Coastal Zone Land Use Ordinance though the proposed landscaping plan which is required to be installed prior to final of the construction permits.

ADDITIONAL INFORMATION

Due to the legal timing constraints of this item (California Government Code Section 66452.5(a) and Section 21.04.020(e) of Title 21) all applicable information was not available at the original time the agenda was put together for the November 4, 2014 Board of Supervisors hearing date. Therefore, additional information will be forthcoming; to include:

- Minutes to be approved at a regular hearing of the Subdivision Review Board on November 3, 2014.
- Additional Site Plan illustrating:
 - At least one guest parking space to be located in the driveway
 - Revised maximum floor area and open space area calculations

OTHER AGENCY INVOLVEMENT/IMPACT

The project was referred to: Public Works, Environmental Health, General Services/Parks, Building Division, Cal Fire, HEAL SLO, Avila Community Services District, California Coastal Commission, Avila Valley Advisory Council.

FINANCIAL CONSIDERATIONS

This appeal was processed using general funds.

RESULTS

Affirming the Subdivision Review Board's decision by partially upholding and partially denying the appeal of the Avila Valley Advisory Council, and affirming in part and modifying the decision of the Subdivision Review Board, will mean the Mitigated Negative Declaration, Tentative Parcel Map (CO14-0021) and Development Plan/ Coastal Development Permit (SUB2013-00054) are conditionally approved. Upholding the appeal would mean the Subdivision Review Board's approval of the Tentative Parcel Map (CO14-0021) and Development Plan/ Coastal Development Permit (SUB2013-00054) are denied.

ATTACHMENTS

1. Attachment 1 - Board of Supervisors Resolution with Findings and Conditions
2. Attachment 2 - AVAC Appeal Letter
3. Attachment 3 - SRB October 6 Staff Report